

The FCC must make clear, and the NTIA must ensure, that LightSquared's license modification is contingent on the outcome of the mandated study unequivocally demonstrating that there is no interference to GPS. The study must be comprehensive, objective, and based on correct assumptions about existing GPS uses rather than theoretical possibilities. Given the substantial pre-existing investment in GPS systems and infrastructure, and the critical nature of GPS applications, the results of studies must conclusively demonstrate that there is no risk of interference. If there is conflicting evidence, doubts must be resolved against the LightSquared terrestrial system. The views of LightSquared, as an interested party, are entitled to no special weight in this process.

The FCC should make clear that LightSquared and its investors are proceeding at their own risk in advance of the FCC's assessment of the working group's analysis. While this is the FCC's established policy, the Commission's International Bureau failed to make this explicit in its order.

Resolution of interference has to be the obligation of LightSquared, not the extensive GPS user community of millions of citizens. LightSquared must bear the costs of preventing interference emanating from their devices, and if there is no way to prevent interference, it should not be permitted to operate. GPS users or providers should not have to bear any of the consequences of LightSquared's actions.

This is a matter of critical national interest. There must be a reasonable opportunity for public comment of at least 45 days on the report produced by the working group and further FCC actions on the LightSquared modification order should take place with the approval of a majority of the commissioners, not at the bureau level.